

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

PRISON LITIGATION REFORM ACT

Pursuant to the Prison Litigation Reform Act, new requirements have been placed on prisoners proceeding pro se when filing appeals in Federal courts. The most significant restrictions relate to filing *in forma pauperis* and filing successive claims.

PROCEEDING IN FORMA PAUPERIS

28 U.S.C. § 1915 requires a prisoner to pay the appropriate filing fee (\$250 for a petition for review from an agency decision or an original action or \$255 for an appeal from the district court) when filing an appeal *in forma pauperis*. The court must assess and collect from your prison account a partial filing fee of 20% of the greater of:

- (1) the average monthly deposits to your prison account; or
- (2) the average monthly balance in your prison account for the six-month period preceding the filing of the notice of appeal.

Thereafter, you are required to make monthly payments of 20% of the preceding month's income. The agency having custody of your account is required to forward payments from your account to the Clerk of the court each time the amount in your account exceeds \$10.00, until the filing fee is paid.

If you are attempting to proceed *in forma pauperis* on appeal from a district court order in a civil case, you must seek leave to do so from the district court in the first instance. (Note that the district court's authorization to proceed in that court *in forma pauperis* is effective only for proceedings in the district court and does not carry over to proceedings in this court.) If the district court denies leave to proceed *in forma pauperis* on appeal, you may seek leave to do so from this court. If the district court grants leave to proceed *in forma pauperis* on appeal, you must submit to this court a certified copy of the trust fund account statement for the six-month period preceding the filing of the notice of appeal and the consent to collection of fees form. In an original action or agency case, you must also submit the completed *in forma pauperis* application.

Under 28 U.S.C. § 1915, you may be required to pay the appropriate filing fee in full, even if the complaint is dismissed prior to the collection of the entire filing fee.

SUCCESSIVE CLAIMS

Pursuant to the Prison Litigation Reform Act, unless a prisoner claims to be in "imminent danger of serious physical injury," he or she may not file a civil action or pursue a civil appeal *in forma pauperis* "if the prisoner has, on three or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or failed to state a claim upon which relief may be granted." 28 U.S.C. § 1915(g).

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